

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-AB42)**

Received: 01/29/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Larry Balow (608) 266-9172

By/Representing: Rob

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Alt. Drafters:

Subject: Correctional System - prisons

Extra Copies: rpn

**Pre Topic:**

No specific pre topic given

**Topic:**

Prison construction

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mdsida 01/31/2001 mdsida 02/01/2001	csicilia 02/01/2001	haugeca 01/31/2001	_____	lrb_docadmin 01/31/2001	lrb_docadmin 01/31/2001	
/2	mdsida 02/05/2001	hhagen 02/05/2001	pgreensl 02/01/2001	_____	lrb_docadmin 02/01/2001	lrb_docadmin 02/01/2001	
/3			jfrantze 02/06/2001	_____	lrb_docadmin 02/06/2001	lrb_docadmin 02/08/2001	

FE Sent For:

<END>

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	mdsida 02/01/2001			_____			
/2	mdsida 02/05/2001	hhagen 02/05/2001	pgreensl 02/01/2001	_____	lrb_docadmin 02/01/2001	lrb_docadmin 02/01/2001	
/3			jfrantze 02/06/2001	_____	lrb_docadmin 02/06/2001		

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/1	mdsida 01/31/2001 mdsida 02/01/2001	csicilia 02/01/2001	haugeca 01/31/2001	_____	lrb_docadmin 01/31/2001	lrb_docadmin 01/31/2001	
/2		13 hmk 2/5/01	pgreensl 02/01/2001	_____	lrb_docadmin 02/01/2001	lrb_docadmin 02/01/2001	

FE Sent For: *2/6* *2/6* *Self*  
 <ENDS>

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**Topic:**

Prison construction

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/1	mdsida 01/31/2001	1/2 gjs 2/1 01	haugca 01/31/2001 2/1 p8	0/1 <del>self</del>	lrb_docadmin 01/31/2001	lrb_docadmin 01/31/2001	
FE Sent For: <END>							

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Extra Copies: **rpn**

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/?	mdsida	/i cjs 1/30 01	CH 1-31	CH 1-31 <del>KT</del>			

FE Sent For:

<END>

Pfc from Doug Bennett - for Below and to AB 42

Any concrete facil. - put on pub construction -  
has to be enumerated

5.0204

No construction may commence w/o enumeration

**Dsida, Michael**

---

**From:** Burnett, Douglas  
**Sent:** Tuesday, January 30, 2001 11:55 AM  
**To:** Dsida, Michael  
**Subject:** RE:

Rather than repeal it, allow jointly, but limit its use to combinations of no more than two....

-----Original Message-----

**From:** **Dsida, Michael**  
**Sent:** Tuesday, January 30, 2001 10:48 AM  
**To:** Burnett, Douglas  
**Subject:** RE:

Under s. 302.44, counties currently have the authority to establish a jail jointly. Do you want me to repeal that provision? Limit its use to combinations of just two (as opposed to "two or more") counties? Something else?

> -----Original Message-----

> **From:** Burnett, Douglas  
> **Sent:** Tuesday, January 30, 2001 10:18 AM  
> **To:** Dsida, Michael  
> **Subject:** RE:

>  
> Talked to the boss, and he wants to also prohibit a  
> consortium of local governments from building a mega-jail. So  
> only a single local government.....

>

> -----Original Message-----

> **From:** **Dsida, Michael**  
> **Sent:** Tuesday, January 30, 2001 9:33 AM  
> **To:** Burnett, Douglas  
> **Subject:**

>

> If you want, you can prohibit construction of any kind of  
> prison or jail (with the prohibition applicable to all  
> persons, including local governments) unless the building is  
> enumerated or:

>

> 1. The construction is undertaken under a contract with a  
> local government (or a combination of them).

>

> 2. The building is constructed for use by a local government  
> for confining people.

>

> Is that okay?





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa0126(2)

MGD:Y:....

cjs

1

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT ,

TO 2001 ASSEMBLY BILL 42

Wed  
10:00

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 4: delete "lease" and substitute "construction, lease,".

3 2. Page 2, line 7: after "(i)" insert "and (j)".

4 3. Page 2, line 10: after "(i)" insert "and (j)".

5 4. Page 2, line 14: after "(i)" insert "and (j)".

6 5. Page 4, line 12: after that line insert:

insert  
1/6

7 **SECTION 5m.** 59.53 (8) of the statutes is amended to read:

8 59.53 (8) REHABILITATION FACILITIES. The board may establish and maintain  
9 rehabilitation facilities in any part of the county under the jurisdiction of the sheriff  
10 as an extension of the jail, or separate from the jail under jurisdiction of a  
11 superintendent, to provide any person sentenced to the county jail with a program  
12 of rehabilitation for such part of the person's sentence or commitment as the court

1 determines will be of rehabilitative value to the prisoner. Rehabilitation facilities  
2 may be located outside of the county under a cooperative agreement under s. 302.44  
3 (1).

History: 1995 a. 201 ss. 151, 153, 169, 413, 188, 192, 198, 201 to 206, 208, 217, 229, 234, 237, 241, 334, 362, 364, 436, 453; 1995 a. 225 ss. 164, 170; 1995 a. 279 s. 7; 1995 a. 289 s. 217; 1995 a. 404 ss. 184, 186; 1997 a. 3, 27, 35, 41, 191, 252; 1999 a. 150 s. 672.

4 SECTION 5r. 59.54 (14) (a) of the statutes is amended to read:

5 59.54 (14) (a) A county shall provide a courthouse, fireproof offices and other  
6 necessary buildings at the county seat and keep them in good repair. A county shall  
7 provide a jail or enter into a cooperative agreement under s. 302.44 (1) for the  
8 cooperative establishment and use of a jail. The jail and rehabilitation facilities as  
9 extensions of the jail need not be at the county seat and may be located outside of the  
10 county under a cooperative agreement under s. 302.44 (1)."

History: 1995 a. 201 ss. 146 to 149, 154 to 156, 159, 160, 162, 175 to 177, 179, 180, 183, 191, 193, 210 to 213, 222, 226 to 228, 274, 283, 366, 403, 404; 1995 a. 448 s. 59; 1997 a. 27, 35.

11 6. Page 5, line 20: after that line insert:

12 "SECTION 8m. 301.19 of the statutes is created to read:

13 301.19 Construction of correctional facilities by private persons. (1)

14 In this section:

15 (a) "Authorized jurisdiction" means a county, two counties acting under s.  
16 302.44<sup>(1)</sup>, the United States, or a federally recognized American Indian tribe or band  
17 in this state.

18 (b) "Correctional facility" means a building, structure, or facility or portion  
19 thereof to be used to confine persons serving a sentence of imprisonment to the  
20 Wisconsin state prisons under ch. 973 or to confine juveniles alleged or found to be  
21 delinquent.

22 (2) No person may commence construction of a correctional facility or  
23 commence conversion of an existing building, structure, or facility into a correctional  
the

1 facility unless the building, structure, or facility is enumerated in the authorized  
2 state building program.

3 (3) Subsection (2) does not apply to any of the following:

4 (a) <sup>A</sup> Buildings, structures, or facilities <sup>B</sup> that ~~are~~ constructed or converted under  
5 a contract with and for use by an authorized jurisdiction.

6 (b) <sup>A building, structure, or facility that is constructed or converted</sup> ~~Construction or conversion commenced~~ under a contract with the  
7 department if the contract was entered into on or before the effective date of this  
8 paragraph .... [revisor inserts date].

9 7. Page 5, line 24: delete “the” and substitute “all of the following apply:

10 1. The”.

11 8. Page 6, line 2: after that line insert:

12 “2. The building was enumerated in the authorized state building program  
13 before the construction or conversion began.”

14 9. Page 6, line 24: after that line insert:

15 “SECTION 10g. 302.34 of the statutes is amended to read:

16 **302.34 Use of jail of another county.** Courts, judges and officers of any  
17 county having no jail and no cooperative agreement under s. 302.44 (1) may sentence,  
18 commit or deliver any person to the jail of any other county as if that jail existed in  
19 their own county. The sheriff of the other county shall receive and keep the prisoner  
20 in all respects as if committed from his or her county. The cost of the keep shall be  
21 paid by the county from which the prisoner was sentenced, committed or delivered.

22 History: 1983 a. 110; 1989 a. 31 s. 169; Stats. 1989 s. 302.34

23 **SECTION 10k.** 302.44 of the statutes is renumbered 302.44 (1) and amended to  
read:

1           302.44 (1) ~~Cooperation between counties regarding prisoners.~~ Two or  
 2           more <sup>two</sup> Subject to sub. (2), counties may agree under s. 66.0301 for the cooperative  
 3           establishment and use of the jails and rehabilitation facilities of any of them for the  
 4           detention or imprisonment of prisoners before, during and after trial and for sharing  
 5           the expense without reference to s. 302.34. The sheriffs of the counties shall lodge  
 6           prisoners in any jail or rehabilitation facility authorized by the agreement and shall  
 7           endorse the commitment, if any, under s. 302.35 in case detention or imprisonment  
 8           is in the jail or rehabilitation facility of another county. Only jails and rehabilitation  
 9           facilities approved by the department for the detention of prisoners may be used  
 10          under the agreement. The sheriff of the county of arrest shall transport the prisoner  
 11          to and from court and to any other institution whenever necessary. ✓

12          History: 1975 c. 94; 1983 a. 110; 1989 a. 1 s. 1668; Stats. 1989 s. 302.44; 1999 a. 150 s. 672.

12          **SECTION 10n.** 302.44 (2) of the statutes is created to read:

13          302.44 (2) No more than two counties may enter into an agreement for the  
 14          establishment or use of a single jail or rehabilitation facility under sub. (1). ✓ ✓ ✓

15          **10.** Page 9, line 2: after that line insert:

16          **"SECTION 14m.** 973.03 (1) of the statutes is amended to read:

17          973.03 (1) If at the time of passing sentence upon a defendant who is to be  
 18          imprisoned in a county jail there is no jail in the county suitable for the defendant  
 19          and no cooperative agreement under s. 302.44 (1), the court may sentence the  
 20          defendant to any suitable county jail in the state. The expenses of supporting the  
 21          defendant there shall be borne by the county in which the crime was committed." ✓

22          History: 1971 c. 298; 1983 a. 110, 192; 1985 a. 150; 1987 a. 27; 1987 a. 332 s. 64; 1987 a. 398, 399; 1989 a. 31, 85; 1993 a. 48; 1995 a. 281, 448.

(END)

1 if the waiver is accomplished through formal action of the building commission. The  
 2 ~~Subject to the requirements of s. 20.924 (1) (i), the building commission may~~  
 3 authorize the lease, lease purchase or acquisition of such facilities constructed in the  
 4 manner authorized by the building commission. ~~The Subject to the requirements of~~  
 5 ~~s. 20.924 (1) (i), the building commission may also authorize the lease, lease purchase~~  
 6 or acquisition of existing facilities in lieu of state construction of any project  
 7 enumerated in the authorized state building program.

8 SECTION 5. 13.48 (27) of the statutes is amended to read:

9 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. ~~The Subject to the requirements~~  
 10 ~~of s. 20.924 (1) (i), the building commission may lease any facility for use of the~~  
 11 department of corrections as a part of the authorized state building program, with  
 12 an option to purchase the facility by the state. Any lease shall provide for the facility  
 13 to be constructed in accordance with requirements and specifications approved by  
 14 the department of administration and shall permit inspection of the site and facility  
 15 ~~by agents of the department~~ LPS: freeze this number as indicated

16 SECTION 20.924 (1) (j) of the statutes is created to read:

17 20.924 (1) (j) May not lease or acquire or authorize the leasing or acquisition  
 18 of any building, structure or facility or portion thereof for initial occupancy by the  
 19 department of corrections for the purpose of confining persons serving a sentence of  
 20 imprisonment to the Wisconsin state prisons under ch. 973 or for the purpose of  
 21 confining juveniles alleged or found to be delinquent <sup>unless the construction of</sup> if the building, structure or  
 22 facility <sup>or the conversion of the building, structure, or facility</sup> ~~was constructed or was converted~~ into a correctional facility <sup>by a private</sup>  
 23 ~~person unless the construction or conversion~~ began either before October 1, 1999 or  
 24 after the building, structure or facility <sup>was</sup> ~~has been~~ enumerated in the authorized state  
 25 building program.

Insert  
1/6  
open  
quoted  
plain  
text

1           **SECTION 7.** 301.028 of the statutes is created to read:

2           **301.028 Institutional placement criteria.** When deciding the correctional  
3 institution in which to place a prisoner in its custody, the department shall consider  
4 all of the following criteria, in the order of priority stated:

5           (1) Public safety.

6           (2) The availability of, and the prisoner's preference for, placement in a  
7 correctional institution in this state.

8           (3) The availability of education, treatment and other rehabilitative programs  
9 that are appropriate for the prisoner.

10          (4) Any other factors that the department considers appropriate to consider in  
11 order to discharge its duties and further its mission and goals.

12          **SECTION 8.** 301.08 (1m) of the statutes is created to read:

13          **301.08 (1m) (a)** In this subsection, "primary care" means basic health care  
14 services, including general assessment, treatment and management of common  
15 acute and chronic physical and mental health conditions, health promotion and  
16 disease prevention, routine prenatal and postpartum care, the referral to a health  
17 care provider for emergency physical or mental health treatment and the referral to  
18 a specialist for physical and mental health services.

19          (b) Notwithstanding sub. (1), the department shall provide primary care to  
20 persons confined in a Type 1 prison or a Type 1 secured correctional facility, as  
21 defined in s. 938.02 (19), exclusively through employes of the department.

22          **SECTION 9.** 301.18 (1g) of the statutes is created to read:

23          **301.18 (1g)** The department of administration may acquire or lease  
24 correctional facilities defined under 1999 Wisconsin Act .... (this act), section 27 (1).

25          **SECTION 10.** 301.235 (2) (dm) of the statutes is created to read:



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB001260  
MGD:cjs:ch

2

ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 42

Thurs  
5:00

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 4: delete "lease" and substitute "construction, lease,".

3 2. Page 2, line 7: after "(i)" insert "and (j)".

4 3. Page 2, line 10: after "(i)" insert "and (j)".

5 4. Page 2, line 14: after "(i)" insert "and (j)".

6 5. Page 4, line 12: after that line insert:

7 "SECTION 5g. 20.924 (1) (j) of the statutes is created to read:

8 20.924 (1) (j) May not lease or acquire or authorize the leasing or acquisition  
9 of any building, structure, or facility or portion thereof for initial occupancy by the  
10 department of corrections for the purpose of confining persons serving a sentence of  
11 imprisonment to the Wisconsin state prisons under ch. 973 or for the purpose of  
12 confining juveniles alleged or found to be delinquent unless the construction of the  
13 building, structure, or facility or the conversion of the building, structure, or facility

1 into a correctional facility began either before October 1, 1999, or after the building,  
2 structure, or facility was enumerated in the authorized state building program.

3 **SECTION 5m.** 59.53 (8) of the statutes is amended to read:

4 **59.53 (8) REHABILITATION FACILITIES.** The board may establish and maintain  
5 rehabilitation facilities in any part of the county under the jurisdiction of the sheriff  
6 as an extension of the jail, or separate from the jail under jurisdiction of a  
7 superintendent, to provide any person sentenced to the county jail with a program  
8 of rehabilitation for such part of the person's sentence or commitment as the court  
9 determines will be of rehabilitative value to the prisoner. Rehabilitation facilities  
10 may be located outside of the county under a cooperative agreement under s. 302.44  
11 (1).

12 **SECTION 5r.** 59.54 (14) (a) of the statutes is amended to read:

13 **59.54 (14) (a)** A county shall provide a courthouse, fireproof offices and other  
14 necessary buildings at the county seat and keep them in good repair. A county shall  
15 provide a jail or enter into a cooperative agreement under s. 302.44 (1) for the  
16 cooperative establishment and use of a jail. The jail and rehabilitation facilities as  
17 extensions of the jail need not be at the county seat and may be located outside of the  
18 county under a cooperative agreement under s. 302.44 (1)."

19 **6.** Page 5, line 20: after that line insert:

20 "SECTION 8m. 301.19 of the statutes is created to read:

21 **301.19 Construction of correctional facilities by private persons. (1)**

22 In this section:



1 (a) "Authorized jurisdiction" means a county, two counties acting under s.  
2 302.44 (1), the United States, or a federally recognized American Indian tribe or band  
3 in this state.

4 (b) "Correctional facility" means a building, structure, or facility or portion  
5 thereof to be used to confine persons serving a sentence of imprisonment to the  
6 Wisconsin state prisons under ch. 973 or to confine juveniles alleged or found to be  
7 delinquent.

8 (2) No person may commence construction of a correctional facility or  
9 commence the conversion of an existing building, structure, or facility into a  
10 correctional facility unless the building, structure, or facility is enumerated in the  
11 authorized state building program.

12 (3) Subsection (2) does not apply to any of the following:

13 (a) A building, structure, or facility that is constructed or converted under a  
14 contract with and for use by an authorized jurisdiction.

15 (b) A building, structure, or facility that is constructed or converted under a  
16 contract with the department if the contract was entered into on or before the  
17 effective date of this paragraph .... [revisor inserts date]."

18 **7.** Page 5, line 24: delete "the" and substitute "all of the following apply:

19 1. The".

20 **8.** Page 6, line 2: after that line insert:

21 "2. The building was enumerated in the authorized state building program  
22 before the construction or conversion began."

23 **9.** Page 6, line 24: after that line insert:

24 "SECTION 10g. 302.34 of the statutes is amended to read:

1           **302.34 Use of jail of another county.** Courts, judges and officers of any  
2 county having no jail and no cooperative agreement under s. 302.44 (1) may sentence,  
3 commit or deliver any person to the jail of any other county as if that jail existed in  
4 their own county. The sheriff of the other county shall receive and keep the prisoner  
5 in all respects as if committed from his or her county. The cost of the keep shall be  
6 paid by the county from which the prisoner was sentenced, committed or delivered.

7           **SECTION 10k.** 302.44 of the statutes is renumbered 302.44 (1) and amended to  
8 read:

9           302.44 (1) ~~Two or more~~ Subject to sub. (2) two counties may agree under s.  
10 66.0301 for the cooperative establishment and use of the jails and rehabilitation  
11 facilities of any of them for the detention or imprisonment of prisoners before, during  
12 and after trial and for sharing the expense without reference to s. 302.34. The  
13 sheriffs of the counties shall lodge prisoners in any jail or rehabilitation facility  
14 authorized by the agreement and shall endorse the commitment, if any, under s.  
15 302.35 in case detention or imprisonment is in the jail or rehabilitation facility of  
16 another county. Only jails and rehabilitation facilities approved by the department  
17 for the detention of prisoners may be used under the agreement. The sheriff of the  
18 county of arrest shall transport the prisoner to and from court and to any other  
19 institution whenever necessary.

20           **SECTION 10n.** 302.44 (2) of the statutes is created to read:

21           302.44 (2) No more than two counties may enter into an agreement for the  
22 establishment or use of a single jail or rehabilitation facility under sub. (1)."

23           **10.** Page 9, line 2: after that line insert:

24           **"SECTION 14m.** 973.03 (1) of the statutes is amended to read:





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa0126/0

MGD:cjs:pg

h  
+ hmk (3)

D - note

ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 42

By 9:30  
Tues

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 4: delete "lease" and substitute "construction, lease,".

3 2. Page 2, line 7: after "(i)" insert "and (j)".

4 3. Page 2, line 10: after "(i)" insert "and (j)".

5 4. Page 2, line 14: after "(i)" insert "and (j)".

6 5. Page 4, line 12: after that line insert:

7 "SECTION 5g. 20.924 (1) (j) of the statutes is created to read:

8 20.924 (1) (j) May not lease or acquire or authorize the leasing or acquisition  
9 of any building, structure, or facility or portion thereof for initial occupancy by the  
10 department of corrections for the purpose of confining persons serving a sentence of  
11 imprisonment to the Wisconsin state prisons under ch. 973 or for the purpose of  
12 confining juveniles alleged or found to be delinquent unless the construction of the  
13 building, structure, or facility or the conversion of the building, structure, or facility

1 into a correctional facility began either before October 1, 1999, or after the building,  
2 structure, or facility was enumerated in the authorized state building program.

3 **SECTION 5m.** 59.53 (8) of the statutes is amended to read:

4 59.53 (8) REHABILITATION FACILITIES. The board may establish and maintain  
5 rehabilitation facilities in any part of the county under the jurisdiction of the sheriff  
6 as an extension of the jail, or separate from the jail under jurisdiction of a  
7 superintendent, to provide any person sentenced to the county jail with a program  
8 of rehabilitation for such part of the person's sentence or commitment as the court  
9 determines will be of rehabilitative value to the prisoner. Rehabilitation facilities  
10 may be located outside of the county under a cooperative agreement under s. 302.44  
11 (1).

12 **SECTION 5r.** 59.54 (14) (a) of the statutes is amended to read:

13 59.54 (14) (a) A county shall provide a courthouse, fireproof offices and other  
14 necessary buildings at the county seat and keep them in good repair. A county shall  
15 provide a jail or enter into a cooperative agreement under s. 302.44 (1) for the  
16 cooperative establishment and use of a jail. The jail and rehabilitation facilities as  
17 extensions of the jail need not be at the county seat and may be located outside of the  
18 county under a cooperative agreement under s. 302.44 (1)."

19 **G.** Page 5, line 20: after that line insert:

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21 **301.19 Construction of correctional facilities by private persons. (1)**

22 In this section:

1 (a) "Authorized jurisdiction" means a county, two counties acting under s.  
2 302.44 (1), the United States, or a federally recognized American Indian tribe or band  
3 in this state.

4 (b) "Correctional facility" means a building, structure, or facility or portion  
5 thereof to be used to confine persons serving a sentence of imprisonment to the  
6 Wisconsin state prisons under ch. 973 or to confine juveniles alleged or found to be  
7 delinquent.

8 (2) No person may commence construction of a correctional facility or  
9 commence the conversion of an existing building, structure, or facility into a  
10 correctional facility unless the building, structure, or facility is enumerated in the  
11 authorized state building program.

12 (3) Subsection (2) does not apply to any of the following:

13 (a) A building, structure, or facility that is constructed or converted under a  
14 contract with and for use by an authorized jurisdiction.

15 (b) A building, structure, or facility that is constructed or converted under a  
16 contract with the department if the contract was entered into on or before the  
17 effective date of this paragraph .... [revisor inserts date].

NS  
3/17

18 7. Page 5, line 24: delete "the" and substitute "all of the following apply:

19 1. The".

20 8. Page 6, line 2: after that line insert:

21 "2. The building was enumerated in the authorized state building program  
22 before the construction or conversion began."

23 9. Page 6, line 24: after that line insert:

24 "SECTION 10g. 302.34 of the statutes is amended to read:

1           **302.34 Use of jail of another county.** Courts, judges<sup>2</sup> and officers of any  
2 county having no jail and no cooperative agreement under s. 302.44 (1) may sentence,  
3 commit or deliver any person to the jail of any other county as if that jail existed in  
4 their own county. The sheriff of the other county shall receive and keep the prisoner  
5 in all respects as if committed from his or her county. The cost of the keep shall be  
6 paid by the county from which the prisoner was sentenced, committed or delivered.

7           **SECTION 10k.** 302.44 of the statutes is renumbered 302.44 (1) and amended to  
8 read:

9           302.44 (1) ~~Two or more~~ Subject to sub. (2), two counties may agree under s.  
10 66.0301 for the cooperative establishment and use of the jails and rehabilitation  
11 facilities of any of them for the detention or imprisonment of prisoners before, during  
12 and after trial and for sharing the expense without reference to s. 302.34. The  
13 sheriffs of the counties shall lodge prisoners in any jail or rehabilitation facility  
14 authorized by the agreement and shall endorse the commitment, if any, under s.  
15 302.35 in case detention or imprisonment is in the jail or rehabilitation facility of  
16 another county. Only jails and rehabilitation facilities approved by the department  
17 for the detention of prisoners may be used under the agreement. The sheriff of the  
18 county of arrest shall transport the prisoner to and from court and to any other  
19 institution whenever necessary.

20           **SECTION 10n.** 302.44 (2) of the statutes is created to read:

21           302.44 (2) No more than two counties may enter into an agreement for the  
22 establishment or use of a single jail or rehabilitation facility under sub. (1)."

23           **10.** Page 9, line 2: after that line insert:

24           "SECTION 14m. 973.03 (1) of the statutes is amended to read:

1           973.03 (1) If at the time of passing sentence upon a defendant who is to be  
2 imprisoned in a county jail there is no jail in the county suitable for the defendant  
3 and no cooperative agreement under s. 302.44 (1), the court may sentence the  
4 defendant to any suitable county jail in the state. The expenses of supporting the  
5 defendant there shall be borne by the county in which the crime was committed.”.

6

(END)



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa0126/3ins  
MGD:.....

1           **INSERT 3/17**

2           (c) A building, structure, or facility the construction of which commenced before  
3           October 1, 1999, if the building, structure, or facility was designed to confine persons  
4           convicted of criminal offenses.”.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa0126/3dn

MGD: *hms*

*Date*

Rob:

The change made by this amendment would allow a local government to convert an existing jail into a prison without enumeration, since jails are designed, at least in part, to confine persons convicted of criminal offenses. I assume that ~~that~~ is not a problem. Let me know if it is.

Michael Dsida  
Legislative Attorney  
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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa0126/3dn  
MGD:hmh:jf

February 6, 2001

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